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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GLOBEFILL INCORPORATED,

Plaintiff,

v.

ELEMENTS SPIRITS,
INCORPORATED and KIM BRANDI,

Defendants.

Case No. 10-CV-2034 CBM (PLAx)

[Hon. Consuelo Marshall]

**DECLARATION OF SHAUNT T.
AREVIAN IN SUPPORT OF
ELEMENTS SPIRITS, INC.'S
MOTIONS IN LIMINE #1-5**

Date: October 29, 2013

Time: 2:30 p.m.

Place: Courtroom 2

DECLARATION

I, Shaunt T. Arevian, hereby declare as follows:

1. I am counsel for Defendant Elements Spirits, Inc. ("Elements"). I submit this declaration in support of Elements' motions in limine numbers 1-5. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of the report and curriculum vitae of Patrick Anderson, Globefill Inc.'s ("Globefill") damages expert.

3. Attached as Exhibit B is a true and correct copy of the report and of Raul G. Marmol, Globefill's alcoholic beverage industry expert.

4. Attached as Exhibit C is a true and correct copy of the Trademark Assignment and Royalty Agreement between Elements and its distiller, Fabrica de Tequila Finos S.A. de C.V. ("FINOS"), date October 23, 2010. Elements has previously de-designated the confidential and attorney's eyes only designation for this document and, thus, has not submitted it under seal here.

5. Counsel for Elements has repeatedly requested that Plaintiff provide a supplemental damages analysis from Mr. Anderson, including as late as this past Friday, September 27, 2013. To date, however, Plaintiff has failed to do so.

6. Attached as Exhibit D is a true and correct of the Complaint in the matter, Elements Spirits, Inc. et al. v. Worldwide Spirits, Inc. et al., Case No. 56-2011-00397242-CU-BC-VTA, filed May 19, 2011 ("Worldwide Spirits Action").

7. Attached as Exhibit E is a true and correct copy of the Request for Dismissal signed by the Court in the Worldwide Spirits Action, filed March 28, 2012.

8. Attached as Exhibit F is a true and correct copy of the Common Stock Purchase Agreement, dated June 1, 2010, pursuant to which World Wide

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1 Spirits acquired 51% of the common stock in Elements. Elements has previously
2 de-designated the confidential and attorney's eyes only designation for this
3 document and, thus, has not submitted it under seal here.

4 9. Attached as Exhibit G is a true and correct copy of the Initial Reply
5 and Additional Survey Submitted by Dr. Bruce Isaacson, Dkt. No. 170.

6 10. Attached as Exhibit H is a true and correct copy of excerpts from
7 deposition of Dr. Bruce Isaacson.

8 11. Attached as Exhibit I is a true and correct copy of the Expert Report
9 of Hal Poret, Dkt. No. 165-3.

10 12. Attached as Exhibit J is a true and correct copy of the Initial Expert
11 Report of Dr. Bruce Isaacson and Exhibits, Dkt. Nos. 131-3 and 131-4.

12 13. Attached as Exhibit K is a true and correct copy of the Expert Report
13 submitted by Dr. Bruce Isaacson in the case, Akiro LLC v. House of Cheatham,
14 Inc. et al., Case No. 12-CV-5775 (JSR).

15 14. Attached as Exhibit L is a true and correct copy of the Court's
16 tentative ruling on evidentiary issues relating to Globefill's motion for summary
17 judgment and motion for preliminary injunction.

18 15. Attached as Exhibit M is a true and correct copy of a May 10, 2013
19 email from counsel for Globefill, Kelu Sullivan, to counsel for Elements, Steven
20 Weinberg, and copying myself and others.

21 16. Attached as Exhibit N is a true and correct copy of an article by
22 Jerre B. Swann, entitled "Likelihood of Confusion Studies and the Straightened
23 Scope of Squirt," 98 The Trademark Reporter 739 (2008).

24 17. Attached as Exhibit O is a true and correct copy of the Declaration
25 of Kristina Arnold, January 28, 2013, Dkt. No. 131-6.

26 18. Attached as Exhibit P is a true and correct copy of the Declaration of
27 Kristina Arnold, July 6, 2012, Dkt. No. 94-1.
28

1 19. Attached as Exhibit Q is a true and correct copy of Exhibits VV
2 through JJJ to the Declaration of Kelu Sullivan, May 20, 2013, Dkt. No. 172.

3 20. Attached as Exhibit R is a true and correct copy of the Declaration
4 of David Brown, May 20, 2013, Dkt. No. 169.

5 21. Attached as Exhibit S is a true and correct copy of excerpts of the
6 deposition transcript of William Anderson.

7 22. Attached as Exhibit T is a true and correct copy of excerpts of the
8 deposition transcript of Dan Aykroyd.

9 23. Attached as Exhibit U is a true and correct copy of excerpts of the
10 deposition transcript of David Brown.

11 24. Attached as Exhibit V is a true and correct copy of the deposition
12 transcript of Kristina Arnold.

13 25. Attached as Exhibit W is a true and correct copy of the Declaration
14 of Andre Vega, Dkt. No. 26-4.

15 26. Attached as Exhibit X is a true and correct copy of the Declaration
16 of Eric Goldstein, Dkt. No. 26-5.

17 27. Attached as Exhibit Y is a true and correct copy of the Declaration
18 of George Alvarez, Dkt. No. 26-3.

